

GENERAL CONDITIONS

Tentatively Approved Lands

The state has not received final patent from the federal government for some land in this offering. Such lands are designated as tentatively approved. In this Remote Recreational Cabin Site offering, the following staking areas are all or in part on tentatively approved land: Selatna and a portion of Bluff Cabin Ridge.

Title for parcels on tentatively approved land will be conditioned on the State of Alaska receiving patent from the federal government. If for any reason the state does not receive patent to this tentatively approved land, a lease or sale will be canceled and the money paid to lease or purchase the land will be refunded. The state has no further liability to the lessee, purchaser, or any third party for the termination of the lease or contract (11 AAC 67.015).

Ordinarily, there is little risk of loss of title associated with tentatively approved land. However, there may be some problems. For example, if you resell your parcel before the state receives patent, a title insurance company might not provide title insurance unless the contingency is “excepted” from coverage.

Access

When possible, legal access to Remote Recreational Cabin Site staking areas will be shown on the individual staking maps. The location of legal access to a parcel may also be obtained from the appropriate regional DNR Public Information Office. It is your responsibility to properly locate yourself when crossing both public and private land to ensure you are on a legal right-of-way or section-line easement.

You are strongly urged to apply for a Right-of-Way Permit or obtain an Access Easement to document existing or newly established routes used to access your parcel. Improvements to existing rights-of-way may require a special permit depending on the activity and the type of right-of-way.



A variety of means are used to gain access to parcels.

The state has no legal obligation to build roads or provide services to or within any staking area or cabin site. Rights-of-way shown on the survey plats designate areas reserved for access but do not necessarily indicate the existence of a constructed road. In many cases roads have not been constructed. However, legal access does exist to all parcels. For instance, access may be via section-line easements (unless the section-line easement has been vacated), platted rights-of-way, trail easements, navigable water bodies, or across unreserved state land. Physical access may be via roads, trails, fly-in, snowmachine, off-road vehicle, or boat. You should inquire at one of the DNR Public Information Offices or borough land office to see if there is an existing road on a reserved right-of-way. PLEASE BE ADVISED THAT LEGAL ACCESS TO A PARCEL DOES NOT NECESSARILY CONSTITUTE DEVELOPED OR PRACTICAL ACCESS.

As provided in 11 AAC 96.020, there are certain “generally allowed” uses on state land managed by the Division of Mining, Land and Water that do not require a permit from DNR. Travel across unreserved state land may be made without a permit by the following methods:

- Hiking, backpacking, skiing, climbing, and other foot travel; bicycling; traveling by horse or dogsled, or with pack animals.
- Using a highway vehicle with a curb weight of up to 10,000 pounds, such as a four-wheel drive vehicle or a pickup truck, or using a recreational-type vehicle off-road or all-terrain vehicle with a curb weight of up to 1,500 pounds, such as a snowmobile or four-wheeler, on or off an established road easement, if use off the road easement does not cause or contribute to water quality degradation, alteration of drainage systems, significant rutting, ground disturbance, or thermal erosion. An authorization is required from DNR (formerly ADF&G, Habitat and Restoration Division) for any motorized travel in fish bearing streams. Contact the Anchorage or Fairbanks DNR Office of Habitat Management and Permitting for further information.
- Landing an aircraft (such as a single-engine airplane or helicopter), or using watercraft (such as a boat, jet-ski, raft, or canoe), without damaging the land, including shoreland, tideland, and submerged land.

Limited trail construction may be allowed without a permit under certain conditions. Brushing or cutting a trail less than five feet wide using only hand-held tools such as a chainsaw is generally allowed. Making a trail does not create a property right or interest in the trail.

Check with your local DNR Public Information Office for further information regarding “Generally Allowed Uses on State Land.”

Vehicles are required to use existing trails where possible. Where no trails exist, vehicles are required to use the legal access to minimize the number of trails across public lands. Moving heavy equipment, such as a bulldozer, is not authorized on state land without a permit. A permit can be obtained from the nearest DNR regional office.

Public access and utility easements, waterbody easements, and public or navigable waterways may not be obstructed or made unusable by the public.

RS 2477 Rights-of-Way

Revised Statute 2477 is a federal law that granted states and territories unrestricted rights-of-way over federal lands that had no existing reservations or private entries. Historic RS 2477 trails and/or roads may exist on state land and the transfer of state land into private ownership does not extinguish pre-existing rights. Some rights-of-way could potentially be improved for access to valuable state resources, communities, and land. Others will be used as they have been in the past. Some may not be used at all, or may be developed only as foot trails. If in doubt whether there is an RS 2477 right-of-way across the parcel, check the public land records. More information regarding RS 2477 rights-of-way is available at any of the DNR Public Information Offices, and on-line at www.dnr.state.ak.us/mlw/trails/rs2477.

Alaska Railroad Right-of-Way

The Alaska Railroad Corporation’s 200-foot right-of-way, bridges, and trestles may NOT be used as legal access. Use of the railroad right-of-way is considered trespass and will be prosecuted (AS 11.46.330). The Alaska Railroad Corporation issues permits to cross the railroad. Contact the nearest railroad agent for more information.

Mineral Estate

The state retains ownership of all oil, gas, coal, ore, minerals, fissionable materials, geothermal resources, and fossils that may be in or upon the land that it sells (AS 38.05.125). The state reserves the right to enter onto the land to explore for and develop these mineral resources. The state may lease them to mineral developers or allow mining locations to be staked. However, Alaska law also provides that the surface owner will be compensated for damages resulting from mineral exploration and development (AS 38.05.130). Mineral closing orders, where they have been established, close the area to exploration and development of locatable minerals such as gold, copper, platinum, etc. Mineral closing orders do not apply to oil and gas leasing, coal leasing, shallow gas leasing, or exploration licensing, nor do they preclude reasonable surface access to these resources.

Wetlands

Most state land offerings contain areas of wetlands. Wetlands perform many important functions, including providing habitat for wildlife, preserving water quality, providing flood protection, and enhancing groundwater recharge. If a parcel contains wetlands, you may need a permit from the District Engineer of the U.S. Army Corps of Engineers before putting any dredged or fill material in wetlands (for example, to build a road, or any other land clearing activity involving land leveling). Dredging wetlands or adding fill without a valid permit can result in civil fines or criminal charges. For further information, or for a wetlands delineation, contact the U.S. Army Corps of Engineers.

Wildlife

Development activities may potentially displace wildlife. You are encouraged to contact the Alaska Department of Fish and Game (ADF&G) at (907) 267-2342 for information on how to minimize conflicts with wildlife.

Fish & Game Requirements

Conducting any development activity below the ordinary high water line of a specified anadromous waterbody requires the prior written approval of DNR (formerly ADF&G, Habitat and Restoration Division), pursuant to AS 41.14.870. These development activities include, but are not limited to: constructing dams, bank protection, dock construction (including the installation or replacement of pilings), culvert installation, crossing streams with vehicles, in-water dredging, debris removal and water withdrawals. DNR is responsible for reviewing and, if appropriate, issuing permits for these projects pursuant to state law, AS 41.14.870. The DNR Office of Habitat Management and Permitting administers all Fish Habitat Permits. If you conduct any development activity below the ordinary high water line of a specified anadromous waterbody without notifying and receiving the prior written approval from DNR, you are violating state law and may be charged with a Class A misdemeanor. Contact DNR for more information on obtaining permits.

Alaska Department of Fish & Game regulations allow taking game in defense of life or property only when all other practical means to protect life and property have been exhausted and the necessity for taking the animal is not brought about by harassment or provocation of the animal, by unreasonable invasion of the animal’s habitat, or by the improper disposal of garbage or a similar attractive nuisance.

Hazards

DNR has not inspected these areas to determine if garbage or hazardous materials are present. DNR is not responsible for removal of any garbage or waste from a staking area.

Taxes

Parcels are subject to taxes and assessments levied by local taxing authorities. Failure to pay property taxes on parcels under lease or purchase contract with the state is a violation of the lease agreement or purchase contract and may result in termination of the lease or purchase contract. Please contact your local tax authority concerning the calculation of the assessed values of your leased recreational site. Local taxing authorities for this offering include:

- Denali Borough 907-683-1330
- Matanuska-Susitna Borough 907-745-9642

Sewer and Water

No individual water supply system or sewage disposal system shall be permitted on any parcel unless such system is located, constructed, and equipped in accordance with the requirements of the Alaska Department of Environmental Conservation (ADEC). Approval of such system shall be obtained from ADEC.

Water Rights

To obtain water rights, you must apply for a permit from the Division of Mining, Land & Water. Applications for water rights are available at the local DNR Public Information Offices and the DNR web page at www.dnr.state.ak.us/mlw/water/.

Fire Protection

Some state lands are in areas with limited fire protection. The state assumes no duty to fight fires in these areas. Wildland fires should be considered a serious potential hazard even in areas designated for fire protection. For further information regarding fire protection in a specific staking area, contact the appropriate regional DNR Division of Forestry office or their web site at www.dnr.state.ak.us/forestry/.

If you wish to develop your parcel you should plan on implementing wildland fire mitigation methods, including establishing a defensible space. For more information regarding wildland fire mitigation, contact the appropriate regional DNR Division of Forestry office.

In some areas, a burn permit is required. Contact the local Division of Forestry office to obtain further information and/or a burn permit. There are potential liabilities if a fire escapes control (AS 41.15.060, AS 41.15.090, and AS 41.15.110).

Timber Purchase and Use

The DNR Division of Forestry issues personal use permits for the purchase of fuel wood obtained from state land outside your parcel boundaries. Personal use contracts are also issued for the purchase of house logs and saw logs. Contact the appropriate regional DNR Division of Forestry office well in advance of need. Commercial sale of timber is not allowed.



Archaeological Sites

The Alaska Historic Preservation Act (AS 41.35.200) prohibits the appropriation, excavation, removal, injury, or destruction of any state-owned historic, prehistoric (paleontological) or archaeological site without a permit from the commissioner. Should any sites be discovered during the development of these lots, activities that may cause damage will cease and the Office of History and Archaeology in the DNR Division of Parks and Outdoor Recreation (907) 269-8721 and the appropriate coastal district shall be notified immediately.

Acronyms & Abbreviations Used In This Brochure

AAC	Alaska Administrative Code
ACOE	Army Corps of Engineers
ADEC	Alaska Department of Environmental Conservation
ADF&G	Alaska Department of Fish and Game
ADL	Alaska Division of Lands (case number prefix)
ANGTS	Alaska Natural Gas Transportation System
AS.....	Alaska Statute
ASLS.....	Alaska State Land Survey
ATV.....	All Terrain Vehicle
DNR.....	Department of Natural Resources
ESM.....	Easement
EV.....	Easement Vacation
F.....	Fahrenheit
GS	General Selection
HWM	High Water Mark
MS.....	Material Site
ORV	Off-Road Vehicle
PIC	Public Information Center
R	Range (as in “R4W” - “Range 4 West”)
RST.....	Revised Statute 2477 Right-of-Way (case number prefix)
T.....	Township (as in “T6N” - “Township 6 North”)
USFWS	US Fish & Wildlife Service
USGS	United States Geological Survey
USS	United States Survey



Bluff Cabin Lake in the Bluff Cabin Ridge staking area in the Northern Region

Eagle Nesting Sites

Federal law prohibits any disturbance of bald eagles or their nests. The U.S. Fish & Wildlife Service (USFWS) enforces this law. USFWS recommends no construction or disturbance within 330 feet of any eagle nest in March or April, or within 330 feet of any active eagle nest between May and August. Consult with USFWS on the siting of structures and roads or cutting mature trees within 330 feet of a nest tree. Nest trees should not be disturbed at all.

Use of Adjacent State Land

Uses of state land that are not “generally allowed” (see the Department of Natural Resources Fact Sheet “Generally Allowed Uses on State Land” available at DNR Public Information Offices) may require a land use authorization from DNR. Lease or ownership of a remote recreational cabin site does not imply exclusive use of surrounding state lands.

Restriction on Subdividing

You may not subdivide the land prior to receiving title. After title is conveyed, subdividing of any parcel must comply with state or local platting requirements.

Easements, Reservations & Restrictions

All staking areas are subject to various rights-of-way, easements, setbacks, roads, trails, and other restrictions. You may not construct buildings or in any way obstruct public access or utility easements. All state-owned land bordering surveyed or protracted (un-surveyed) section lines has a reservation for rights-of-way fifty (50) feet in width. Total width of section line rights-of-way will be one hundred (100) feet where the state owns land on both sides of the section line. It is your responsibility to review the staking map and instructions thoroughly to determine what restrictions, if any, may affect your staking area. You must meet any borough or state standards and obtain any required permits before developing any easement.

Right to Adjourn/Postpone/Cancel

The Department of Natural Resources reserves the right to adjourn, postpone, or cancel land offerings, in whole or in part, at any time prior to or during the offering, if necessary, to protect the interests of the state. Staking areas or authorizations may be withdrawn at any time prior to or during the offering period.

Future Offerings

The state reserves the right to offer additional parcels of land adjacent to or near previously sold parcels, thereby potentially increasing the population density in that area. The department may also identify and survey additional parcels in a staking area up to the total number of stakings authorized during the staking period, to be offered for sale at a later time. The department is considering a regulation change to allow the offering of staking authorizations over the counter in the future. In the event such a regulation is put into law, then any unused staking authorizations from the staking areas will be considered as part of an over-the-counter program in future years.

Brochure Amendments

This brochure is intended for informational purposes only. At times, modifications in the terms of a land offering become necessary after the publication of the brochure. Changes are announced and published in supplemental information sheets as soon as possible. You may obtain a copy of the supplemental information sheets, if any, from the DNR Public Information Offices, or from the DNR web site at www.dnr.state.ak.us/mlw/landsale/.

It is your responsibility to keep informed of any changes or corrections in the brochure. DNR reserves the right to make changes up to the time of disposal. You should inquire whether there are any supplemental information sheets before submitting an application. DNR reserves the right to waive technical defects or errors in this publication.

REMOTE RECREATIONAL CABIN SITES STAKING AREA INFORMATION - 2005 OFFERING #5

SOUTHCENTRAL REGION

Area No.	Area Name	Gross Acres	Net Acres	Stakings Allowed	Minimum Parcel Size	Maximum Parcel Size	Staking Opening Date	Staking Closing Date	Borough
1105202	Moose Creek East	3,680	525	35	10 ac.	15 ac.	August 26, 2005	January 30, 2006	Matanuska-Susitna
1105204	Selatna	31,680	1,000	50	5 ac.	20 ac.	August 26, 2005	January 30, 2006	None
1105207	Talachulitna West	9,200	1,000	50	10 ac.	20 ac.	August 26, 2005	January 30, 2006	Matanuska-Susitna
	TOTALS	44,560	2,525	135					

NORTHERN REGION

Area No.	Area Name	Gross Acres	Net Acres	Stakings Allowed	Minimum Parcel Size	Maximum Parcel Size	Staking Opening Date	Staking Closing Date	Borough
1105101	Bluff Cabin Ridge	600	75	15	5 ac.	5 ac.	August 26, 2005	January 30, 2006	None
1105102	Clear Sky	23,040	1,000	50	5 ac.	20 ac.	August 26, 2005	January 30, 2006	Denali
1105103	Cosna	45,500	900	45	5 ac.	20 ac.	August 26, 2005	January 30, 2006	None
1105104	Tower Bluffs	3,200	800	40	5 ac.	20 ac.	August 26, 2005	January 30, 2006	None
	TOTALS	51,600	2,775	150					